

R.P.



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/920,811	07/24/92	HERTZOG	R 30-2004FWC
		REAMER, J	EXAMINER
		12M2	
		1206	
			ART UNIT PAPER NUMBER 25

This is a communication from the examiner in charge of your application.
 COMMISSIONER OF PATENTS AND TRADEMARKS

DATE MAILED:
04/30/93

This application has been examined Responsive to communication filed on 3/4/93 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
 Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

BEST AVAILABLE COPY

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- Notice of References Cited by Examiner, PTO-892.
- Notice of Art Cited by Applicant, PTO-1449.
- Information on How to Effect Drawing Changes, PTO-1474.
- Notice re Patent Drawing, PTO-948.
- Notice of Informal Patent Application, Form PTO-152.
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Part II SUMMARY OF ACTION

- 1. Claims 1,2,7+8 are pending in the application.
- 2. Claims _____ are withdrawn from consideration.
- 3. Claims _____ are allowed.
- 4. Claims 1,2,7+8 are rejected.
- 5. Claims _____ are objected to.
- 6. Claims _____ are subject to restriction or election requirement.
- 7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- 8. Formal drawings are required in response to this Office action.
- 9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- 10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).
- 11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).
- 12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____
- 13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- 14. Other

EXAMINER'S ACTION

Art Unit 1206

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 2, 7 and 8 remain rejected under 35 U.S.C. § 103 as being unpatentable over Sifniades in combination with Barcilli et al and Anderson, for the reasons of record. The argument concerning the recovery and recycling of the added acetone was addressed by the Board of Appeals where they stated that "Barcilli explicitly discloses obtaining his added acetone as a recycle stream from a product separation step; see lines 36 through 40 on page 2". The fact that the instant process removes the acetone prior to neutralization has not been shown to be patentably significant. The remaining issues have been previously answered by the board of Appeals.

Serial No. 07/920,811

-3-

Art Unit 1206

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

James H. Reamer

JAMES H. REAMER
PRIMARY EXAMINER
GROUP 120 - ART UNIT 126

REAMER:jd
April 29, 1993